

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Streamlining Deployment of Small Cell)	WT Docket No. 16-421
Infrastructure by Improving Wireless Facilities)	
Siting Policies)	
)	
Mobilitie, LLC Petition for Declaratory Ruling)	

COMMENTS OF THE ASSOCIATION OF WASHINGTON CITIES

These Comments are filed by the Association of Washington Cities (“AWC”) in response to the Public Notice, released December 22, 2016, in the above-entitled proceeding.

INTRODUCTION

The Association of Washington Cities (AWC) was founded in 1933 and is a private, non-profit, non-partisan corporation that represents Washington's cities and towns before the state legislature, the state executive branch, and with regulatory agencies. In addition, AWC provides a wide range of information, education and services to assist municipal officials in managing their governments. Membership is voluntary. However, AWC consistently maintains 100% participation from Washington's 281 cities and towns.

AWC urges the Commission to exercise caution as it works to enable the widespread deployment of small cell infrastructure throughout the nation. AWC opposes a federal one-size-fits all preemption of local siting authority, and asks the Commission to consider carefully the many differences between communities that necessitate local decisions: variation in state statute, geographic challenges, climate variations, size, budgetary and staff resources, aesthetic character, the type and amount of existing infrastructure, and more. We ask the Commission to avoid placing any further restrictions on cities as they collaborate with their local wireless carriers and infrastructure providers to integrate this very new technology, and very new approach to infrastructure development, into their planning and zoning processes in a way that preserves and protects the finite rights of way belonging to their residents.

Every community wants a faster cellular network - it's good for citizens, businesses, government operations, and the economy. Washington's cities recognize that new wireless technology and facilities are coming. It is critical that local governments are not impeded in their ability to balance community interests with the desire for more advanced communications services.

CITIES HAVE A PUBLIC DUTY TO POLICE THE RIGHTS OF WAY

Rights of way are big, expensive, and complex pieces of critical public infrastructure that contain the facilities that serve vehicle traffic and pedestrians, as well as major underground and overhead utilities such as natural gas, electric, water, sewer, stormwater, telephone, wireless telecommunications, and street lighting. The public rights of way provide a gateway to local businesses and uphold unique aesthetic standards as desired by each community. Rights of way are purchased and maintained at taxpayer expense

It is important that cities maintain their ability to review wireless siting applications, including those for small cell facilities in order to ensure that installations are structurally sound and do not interfere with the operation of other facilities or installations in the right of way. In addition, cities need the ability to balance the protection of sensitive environmental areas, parks, historic districts and other community assets with the need to accommodate these telecommunication facilities.

CITIES ARE WORKING PROACTIVELY TO DEPLOY WIRELESS INFRASTRUCTURE

In Washington State, many cities have already begun the process of amending their telecommunications ordinances to specifically address the siting of small cell facilities. A consortium of at least 26 cities is working voluntarily to develop model ordinances and processes. At least six other cities have already adopted updated codes. The City of Seattle will be one of the first cities in the country where 5G technology will be tested.

INDUSTRY SHOULD DO MORE VOLUNTARILY TO IMPROVE WIRELESS SITING

Mobilitie's Petition for Declaratory Ruling attempts to address the cost of permitting by suggesting that municipalities should only be able to charge a minimal fee for processing the permit. That fee would essentially amount to the time it takes a permit technician to review only the permit form. It does not include all the other costs associated with the permitting of wireless facilities including initial plan review, inspections, or staff time to review information required from the carrier if the wireless facility is subject to a special use permit based on its proposed location within the municipality.

Mobilitie's proposal would pre-empt existing Washington state law that allows cities to "recovers actual administrative expenses incurred by a city or town that are directly related to receiving and approving a permit, license, and franchise, **to inspecting plans and construction...**" [emphasis added]. Revised Code of Washington 35.21.860.

CONCLUSION

The Association of Washington Cities would like to thank the Commission for its efforts to better understand the work being done at the local government level to ensure safe, responsible deployment of wireless infrastructure, particularly that built in the public rights of way. We strongly urge the Commission to consider our comments, as well as those submitted by communities across the country, before taking any action that may adversely affect local governments' rights of way authority.

Respectfully submitted,
Association of Washington Cities

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